

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14840 of 2018

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Arun Kumar, Son of Late Mishri Singh Yadav, Resident of Village- Bazar
Verma, P.S.- Goh, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department,
Old Secretariat, Patna.
2. The S.D.O., Daud Nagar, Aurangabad.
3. The Block Supply Officer, Goh, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2018

The present writ petition has been filed for setting aside the order dated 06.09.2017 passed by the learned Sub Divisional Officer, Daudnagar whereby and whereunder the P.D.S. licence of the petitioner has been cancelled as also for quashing of the order dated 09.06.2018 passed by the District Magistrate, Aurangabad by which the appeal of the petitioner has been rejected.

The short issue raised by the petitioner is that no inquiry report was supplied to the petitioner along with the show cause notice, which has precluded the petitioner from submitting a wholesome defence. Reference in this regard has been made to a judgment of this Hon'ble Court reported in **(2013) 2 PLJR 706**.



Per contra, the learned counsel for the respondents has submitted that due process has been followed, however he has not been able to controvert that no inquiry report was supplied to the petitioner along with the show cause notice.

Having regard to the facts and circumstances of the case, this Court is of the view that since the inquiry report was not supplied to the petitioner along with the show cause notice, the petitioner has been precluded from submitting a proper defence resulting in violation of principles of natural justice.

In such view of the matter, this Court has no option but to quash the order dated 06.09.2017 passed by the learned Sub Divisional Officer, Daudnagar as well as the order dated 09.06.2018 passed by the District Magistrate, Aurangabad, however with liberty to proceed afresh in the matter.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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